

# Exhibit C



5 April 2016

Dilanchian Lawyers & Consultants  
Suite 302, Level 3 105 Pitt Street  
SYDNEY NSW 2000  
**By Email: Noricd@dilanchian.com.au**

Dear Sirs

**PLATINUM AVENUE HOLDINGS PTY LTD V BMADDOX ENTERPRISES, LLC**  
**Our Ref: YRH:1603015**

**Introduction**

1. We act for Platinum Avenue Holdings Pty Ltd (*Platinum*), and its Director, Mr Milad Oskouie who is a Solicitor in New South Wales. This letter is in response to the claims made in your letter to Mr Oskouie dated 24 March 2016.

**Infinite Conversions Website**

2. The first category of claims made in your letter relates to a former business conducted by Infinite Conversions Pty Ltd (*Infinite Conversions*) and its website that your letter defines as '*Infinite Conversions Website*'. Infinite Conversions was a company in which Mr Oskouie and Mr Sandip Banerjee were involved that has since been deregistered. It has been some time since Mr Oskouie has had involvement in or access to the Infinite Conversions Website. Despite this, since receiving your letter, Mr Oskouie has requested the hosting service provider of the website to deactivate it, and understands this to have either occurred or to be in process.
3. The claims made in your letter about the Infinite Conversions Website are misconceived, are without substance and are lacking in credibility. First, the video featuring Mr Maddox is a glowing endorsement and reference by him of Infinite Conversions. Secondly, the case study was reviewed, edited and approved for publication by Mr Maddox.
4. When Mr Maddox requested the removal of the video and case study, Mr Oskouie took steps for their removal, even though there was no obligation on him to do so.
5. There was communications between the parties in July 2015. Any republication of the video and case study, at that time had nothing to do with Mr Oskouie. He was not at that time continuing with Infinite Conversions, and had not reinstated material to the Infinite Conversions Website. These claims are denied.
6. Your letter makes claims about the Twitter handle @ICdotCom linked to the Infinite Conversions Website. Although our client has been unable to locate mention of your clients on that handle it has also been deleted for the same reasons. The LinkedIn business page of Infinite Conversions Website is inaccessible to our clients. Any published claim of Infinite Conversions being a public company is not one made by Mr Oskouie.

**Hacking claims**

7. The 'hacking' claims made at [12] to [17] of your letter grossly exceed claims you could reasonably make against Mr Oskouie. Based on the information outlined in your letter, these claims should never have been made by your firm.
8. The only basis for the 'hacking' claims is that it originated from IP addresses located in Sydney. Since Mr Oskouie resides in Sydney, and is the Director of Platinum which competes with your clients, you have accused him of criminal conduct. Throwing these serious allegations against a person requires more than this and it was reprehensible to accuse him of abhorrent criminal conduct without at the very least identifying how you connect Mr Oskouie with those addresses. Please provide the evidence that was available to you and that is not mentioned in your letter on which your firm relied in connecting Mr Oskouie and those Australian IP addresses, or immediately withdraw the allegations and apologise.
9. The Australian Solicitor Conduct Rules (*Conduct Rules*) by Rule 34 circumscribe the way in which solicitors deal with other persons. Making these allegations without more than is identified in your letter before you made them is in breach of that rule. Without a factual foundation connecting Mr Oskouie to that conduct the making of the statements grossly exceed the legitimate interests of your clients, and have the transparent purpose of intimidating the recipient of your letter.
10. We are instructed that your client has made numerous claims of criminal conduct by Mr Oskouie to various third party service providers. A sample of these are:

Date	Criminal claims made
11 February 2016	Mr Maddox alleged to Domain Registrar that the content has been stolen by our clients
12 February 2016	Mr Maddox alleged to Cloudflare that our clients have engaged in 'hacking' and 'phishing'
12 February 2016	Mr Maddox alleged to Google that our clients have engaged in stealing, copyright infringement, and hacking
13 February 2016	Mr Maddox made another allegation to Cloudflare that our clients have engaged in 'hacking' and 'phishing'
16 February 2016	Mr Maddox made yet another allegation to Cloudflare that our clients have engaged in 'hacking' and this time stealing as well
1 March 2016	Mr Maddox made a further allegation to Google that our clients have engaged in stealing, copyright infringement, and hacking
29 March 2016	Mr Maddox made yet another allegation to Cloudflare this time that the FBI are about to arrest Mr Oskouie
30 March 2016	Mr Maddox made a complaint to Host that the FBI is involved and that the our clients are internationally wanted criminals; on the same day he also complained to MailChimp alleging copyright infringement by Platinum which has resulted in Platinum not being able to send emails

11. This conduct by your clients is defamatory of our clients, and constitutes statutory misleading and deceptive conduct. The representations are false, and calculated to cause loss to our clients. They are malicious and without basis, made for the transparent purpose of damaging and injuring our clients' reputations.
12. Your clients are called upon to provide a sworn statement as to each like representation made to other third parties, by providing the date, representation made, to whom it was made, and copies of written or electronic communications. Proceedings for urgent injunctive relief to compel compliance with this request are being considered. If you do not confirm by 12pm 8 April 2016 that the statement will be provided within 48 hours thereafter, please let us know if you have instructions to accept service.
13. Your firm has also made allegations of 'Criminal Law Breaches – Causes of Action' that are contained at [28] to [35] of your letter. It is very surprising that you have done so having regard to Rule 34.1 of the Conduct Rules. The threats you have made, and the intimidation engaged in by your firm is the conduct captured by rule 34.1.2. We invite you to withdraw these threats immediately and to issue an unconditional written apology to our clients.

#### **Access to Platinum Website**

14. Platinum's website has been deactivated by its hosting service as a direct result of Mr Maddox's claims of criminality. Your clients' conduct has caused and continues to cause Platinum loss and damage in trade, in addition to reputational damage.

#### **Copyright and other civil claims**

15. At [18] of your letter various un-particularised allegations are made. It is not for Platinum to guess as to the allegations and causes of action being levelled at it in your letter. It is for your clients to properly and concisely explain their case, by identifying each of the facts, matters and circumstances from which it alleges conduct giving rise to actionable causes of action.
16. This applies to each of the causes of action asserted, including those about "Henry Jackson"; the location in Texas; the use of Mr Maddox's photograph; or the claim in respect of Google AdWords including the domain of your client. These allegations without particularisation, and in circumstances of your clients' conduct having effectively impeded Platinum's access to its website, are such as to be insufficient for Platinum to understand the case your clients assert against it.
17. The cause of action for copyright infringement in relation to an e-book falls in the same category. There are simply no particulars provided as to the parts of that work that is alleged to have been infringed, and the parts of Platinum's work your clients contend infringe are also not identified. This is a minimum requirement for making this type of allegation. If your clients seriously wish to maintain these allegations those details must be provided. On the information in your letter it is impossible for Platinum to understand and consider the copyright breaches alleged.
18. By making general allegations that Platinum's website "*has copied both [your] client's e-book content and the business process used by the Client Website*" and that the "*copy version uses the same uniform resource locators (URLs)*", your clients misapprehend their obligations. It is for them to identify their claim with precision; it is not for Platinum to guess

about the basis for the claims, nor to trawl through material in trying to understand the allegations.

19. The case law in relation to making allegations is clear. It was identified in a number of decisions, best articulated by Jagot J in *I Jack Brabham Engines Ltd v Beare* [2010] FCA872 at [207] where she said:

*“...it was always the Applicants’ responsibility to plead their case in a manner that enabled [the Respondent] to know the case he had to meet.”*

20. Your clients have not given the most minimal information on which they bear the onus. This inadequate particularisation is legally impermissible.
21. Without particularising their contentions in sufficient detail to enable Platinum to understand the case it has to meet, the threats made are unjustified threats of copyright infringement within Section 202 *Copyright Act, 1968* (Cth). This entitles Platinum to injunctions restraining the continuation of the threats and damages for which it reserves its rights.

### **Conclusion**

22. Against the above background, our clients decline to give the requested undertakings.
23. The claims of hacking and criminality must be withdrawn immediately by your clients and your firm. Your clients are required to identify each third party claim made by sworn statement and to give a written apology in terms to be approved by our clients. An apology is also required from your firm for having alleged criminal conduct without basis.
24. If your clients have a genuine grievance, you are invited to properly particularise the facts, matters and circumstances upon which they rely for each of their allegations. This will also require provision of documents and information sufficient for the allegations to be understood as without these the demands will remain legally and otherwise embarrassing. In these circumstances, your clients must withdraw each of their claims.
25. If your clients wish to persist despite the requests made and you receive instructions to commence court proceedings without first particularising, we shall accept service of process. You are also on notice that in respect of any such proceedings:
  - a. the correspondence from your firm, and this response will be tendered on the question of costs which will be sought on the indemnity basis;
  - b. an application for security for costs will be made against your clients as they are non-residents of Australia and with no known assets here from which to satisfy orders for costs in proceedings if made;
  - c. a Cross-Claim will be brought in those proceedings in relation to the conduct of your clients in relation to the threats made to third parties, for defamation, misleading and deceptive conduct, and for unjustified threats under Section 202 *Copyright Act, 1968*.

26. Please provide your response by 12pm 8 April 2016.

Yours faithfully  
**Hazan Hollander**



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